

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Eddie Moore,
Plaintiff,

C.A. No.: 3:10-3041-RBH

vs.

ORDER

Jon Ozmint, *Director of SCDC*; J. Bryant
Diehl, *Canteen Manager*; Russell
Campbell, *Former Director of Health*
Services; John Solomon, *Present Director*
of Health Services; Robert M. Stevenson,
Warden; sued in their individual and
official capacities; Evelyn Barber, *Food*
Service Manager; Allen Collins, *Former*
Service Manager; sued in their individual
capacities et al.;

Defendants.

Plaintiff, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. Plaintiff also appears to allege claims under the Americans with Disabilities Act (“ADA”), the Rehabilitation Act of 1973 (“RA”), and claims under South Carolina law. At the time of the alleged incidents, Plaintiff was an inmate with the South Carolina Department of Corrections (“SCDC”). He has since been released from SCDC custody. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this

court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Plaintiff's May 18, 2011 motion for a TRO/preliminary injunction [Docket Entry 37] is **DENIED**, and Plaintiff's motions to amend and for TRO/preliminary injunction [Docket Entries 67 & 79] are **DENIED, in part**, as to his request for TROs/preliminary injunctions.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment [Docket Entry 80] and supplemental motion for summary judgment [Docket Entry 101] are **GRANTED**, and Plaintiff's motion for partial summary judgment [Docket Entry 104] is **DENIED**.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
March 6, 2012